

Two Evolving Appellate Options

Workforce Appeals Panel

Appeals to Administrative Law Court

Commissioners become a permanent Department of Workforce Appeals Panel, and relinquish their administrative powers to focus solely on their adjudicatory role.	Commissioners become a temporary Department of Workforce Appeals Panel, and relinquish their administrative powers to focus solely on their adjudicatory role, and Appeals Panel is phased out at the end of their terms in 2012
Current commissioners may run again. Commissioners continue to receive screening and election by the General Assembly	Commissioners may not run again, and General Assembly creates one additional seat on the Administrative Law Court ("ALC") to be screened by the General Assembly as scheduled with other ALC seats through the current Judicial Merit selection process
Appeals of Department Workforce Hearing Officer decisions are heard by the Department of Workforce Appeals Panel in Columbia	Beginning in 2012, appeals of Department Workforce Hearing Officer decisions subject to review by the Director of the Department and then issued as final "Department Determinations". Appeals of the Department Determinations are heard in Columbia by any of the 7 ALC Judges - cases are assigned by the Chief Administrative Judge
No filing fee for appeal to Department of Workforce Appeals Panel	No filing fee for appeal to ALC
Appeals of Department of Workforce Appeals Panel decisions are heard by the Circuit Court, then Court of Appeals, then Supreme Court	Appeals of ALC decisions are heard by the Court of Appeals, then Supreme Court

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The commissioners' salaries must be approved by the Agency Head Salary Commission.	New ALC Judge compensated as any other ALC Judge
Commissioners qualifications adapted from SCDOT commissioners: 4 year degree and 5 years experience in delineated areas	Current subjective and objective Judicial Merit standards are applied in ALC elections by the General Assembly through the Judicial Merit Selection Commission
Commissioners must be accountable to the Ethics Commission as are Workers Compensation Commissioners.	ALC Judges are subject to the Canons of Judicial Conduct in addition to being accountable to the Ethics Commission

Additional Provisions For Consideration Under Either Regimen

Create separate "UI Trust Fund Fiduciary Advocate" division whose sole purpose is to appear as necessary as advocate for the UI Trust fund in every disputed claim for benefits, so as to bifurcate adjudicatory and advocacy/fiduciary duties that are now unified in the ESC Hearing Officers and Commissioners. Increase fraud investigation and prosecution of both employers and employees using these same attorneys and investigators.
Increase fraud investigation and prosecution of both employers and employees using exiting structure